

**ASSEMBLY BILL**

**No. 213**

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**Introduced by Assembly Member Silva**

January 31, 2011

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An act to amend Section 11346.4 of the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 213, as introduced, Silva. Administrative Procedure Act: notice of proposed actions: local government agencies.

The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would require an agency, when it considers it appropriate, to mail or to electronically mail a notice of proposed action to adopt, amend, or repeal a regulation to local government agencies or local government agency representatives, as defined, that are likely to be affected by the proposed action, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11346.4 of the Government Code is
- 2 amended to read:
- 3 11346.4. (a) At least 45 days prior to the hearing and close of
- 4 the public comment period on the adoption, amendment, or repeal
- 5 of a regulation, notice of the proposed action shall be:

1 (1) Mailed to every person who has filed a request for notice of  
2 regulatory actions with the state agency. Each state agency shall  
3 give a person filing a request for notice of regulatory actions the  
4 option of being notified of all proposed regulatory actions or being  
5 notified of regulatory actions concerning one or more particular  
6 programs of the state agency.

7 (2) In cases in which the state agency is within a state  
8 department, mailed or delivered to the director of the department.

9 (3) Mailed to a representative number of small business  
10 enterprises or their representatives that are likely to be affected by  
11 the proposed action. "Representative" for the purposes of this  
12 paragraph includes, but is not limited to, a trade association,  
13 industry association, professional association, or any other business  
14 group or association of any kind that represents a business  
15 enterprise or employees of a business enterprise.

16 (4) When appropriate in the judgment of the state agency, mailed  
17 to any person or group of persons whom the agency believes to  
18 be interested in the proposed action and published in the form and  
19 manner as the state agency shall prescribe.

20 (5) Published in the California Regulatory Notice Register as  
21 prepared by the office for each state agency's notice of regulatory  
22 action.

23 (6) Posted on the state agency's ~~website~~ *Internet Web site* if the  
24 agency has ~~a website~~ *an Internet Web site*.

25 (7) *When considered appropriate by the state agency, mailed*  
26 *or electronically mailed to local government agencies or local*  
27 *government agency representatives that are likely to be affected*  
28 *by the proposed action. For purposes of this paragraph, the term*  
29 *"local government agency representative" shall include, but not*  
30 *be limited to, the following:*

31 (A) *Countywide elected officials whose departments would be*  
32 *impacted by a proposed action.*

33 (B) *County administrators or executive officers of a county*  
34 *whose operations may be impacted by a proposed action.*

35 (C) *City managers of a city whose operations may be impacted*  
36 *by a proposed action.*

37 (D) *General managers of a special district whose operations*  
38 *may be impacted by a proposed action.*

(E) A statewide association whose membership is likely to be affected by a proposed action, including, but not limited to, the following:

- (i) The California State Association of Counties.
- (ii) The County Auditors Association of California.
- (iii) The California Assessors' Association.
- (iv) The County Records Association of California.
- (v) The California District Attorneys Association.
- (vi) The California State Sheriffs' Association.
- (vii) The California Association of Public Administrators, Public Guardians, and Public Conservators.
- (viii) The California Association of County Treasurers and Tax Collectors.
- (ix) The League of California Cities.
- (x) The California Special Districts Association.
- (xi) The California County Superintendents Educational Services Association.
- (xii) The California Association of Clerks and Election Officials.
- (xiii) The California Association of Sanitation Agencies.

(b) The effective period of a notice issued pursuant to this section shall not exceed one year from the date thereof. If the adoption, amendment, or repeal of a regulation proposed in the notice is not completed and transmitted to the office within the period of one year, a notice of the proposed action shall again be issued pursuant to this article.

(c) Once the adoption, amendment, or repeal is completed and approved by the office, no further adoption, amendment, or repeal to the noticed regulation shall be made without subsequent notice being given.

(d) The office may refuse to publish a notice submitted to it if the agency has failed to comply with this article.

(e) The office shall make the California Regulatory Notice Register available to the public and state agencies at a nominal cost that is consistent with a policy of encouraging the widest possible notice distribution to interested persons.

(f) Where the form or manner of notice is prescribed by statute in any particular case, in addition to filing and mailing notice as required by this section, the notice shall be published, posted, mailed, filed, or otherwise publicized as prescribed by that statute. The failure to mail notice to any person as provided in this section

- 1 shall not invalidate any action taken by a state agency pursuant to
- 2 this article.

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